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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
STIPULATION AND JOINT STATUS
REPORT**

(Second Request)

Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah, MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective attorneys of record, stipulate and agree as follows:

1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the remaining 197 patients underlying Allstate’s causes of action should be dismissed in accordance with the Court’s decision and, by September 1, 2023, to prepare and file: (i) a stipulation and proposed order identifying those patients for whom the parties agree are subject to dismissal (the “Stipulation”); and (ii) a joint status report identifying those patients for whom the parties disagree are subject to dismissal, together with the parties’ respective positions (the “Joint Status Report”).¹

2. After analyzing the Court’s July 17, 2023 Order, a copy of which had been received in the mail on July 24, 2023, several members of the Radar Parties’ counsel spent a considerable amount of time reviewing – in detail – the 19 days of Fed. R. Civ. P. 30(b)(6) deposition transcripts for the Allstate Parties involving each of the patients underlying Allstate’s causes of action, together with the various exhibits to those transcripts and other pertinent documents related or attached to the Radar Parties’ summary judgment motion. The same is true for the Allstate Parties’ counsel.

3. Upon completing their review, the Radar Parties’ counsel prepared an Excel spreadsheet containing the first and last names and claim numbers of the patients underlying Allstate’s causes of action and highlighting (in yellow) those patients who the Radar Parties reasonably believe are subject to the Court’s July 17, 2023 Order.²

¹ The deadline to comply was extended by the Court until September 15, 2023. (*See* Order [ECF No. 588].)

² The Radar Parties’ counsel also highlighted (in red) those patients who the Allstate Parties had previously dismissed from their causes of action.

1 4. On August 25, 2023, the Radar Parties' counsel sent the Excel spreadsheet to the
2 Allstate Parties' counsel for review. The Radar Parties' counsel requested that the Allstate Parties'
3 counsel indicate whether they agreed with the Radar Parties' assessment. If not, the Radar Parties'
4 counsel requested that the Allstate Parties' counsel remove the yellow highlighting for each patient
5 for whom the Allstate Parties contend remains at issue. From there, the parties will discuss the
6 reasons for and against dismissal of certain patients in a good faith attempt to limit the number of
7 patients (if any) for whom the Court will decide are subject to dismissal.

8 5. After receiving the Excel spreadsheet, several members of the Allstate Parties'
9 counsel diligently compared the patients highlighted in yellow on it with their own assessment of the
10 patients who are or may be subject to dismissal pursuant to the Court's July 17, 2023 Order.

11 6. On September 11, 2023, the Allstate Parties' counsel sent a letter to the Radar Parties'
12 counsel, identifying those patients who the Allstate Parties reasonably believe are, and those patients
13 who the Allstate Parties reasonable believe are not, subject to the Court's July 17, 2023 Order,
14 alongside confirming those patients who were previously dismissed by the Allstate Parties. Included
15 with the letter were several Excel spreadsheets for review by the Radar Parties' counsel—some
16 overlapping and some differing from the Excel spreadsheet provided by the Radar Parties' counsel.

17 7. On September 13, 2023, respective counsel for the parties held a telephonic meet and
18 confer to discuss each side's patient list and those patients who are or may be subject to dismissal.

19 8. As a result of the call, the parties have identified 19 patients for whom they presently
20 disagree are subject to the Court's July 17, 2023 Order. Stated differently, following the exchange
21 of spreadsheets and the meet and confer, the parties agreed that 87 patients are subject to the Court's
22 July 17, 2023 Order and 91 patients are not subject to the Court's July 17, 2023 Order.

23 9. The parties intend to continue meeting and conferring about the patient list. The
24 parties prefer to exhaust those efforts before filing the Stipulation as to those patients for whom they
25 agree are subject to dismissal and the Joint Status Report for whom they disagree are subject to
26 dismissal. As the parties prepare the Joint Status Report, each may reconsider their position as to
27 some or all of the 19 patients in dispute, thereby reducing the number of patients to be reviewed for
28 dismissal by the Court.

10. Due to the importance of identifying each patient who is subject to dismissal; scheduling conflicts for respective counsel for the parties; and in order to allow the parties a full and complete opportunity to meet and confer regarding those patients who may, or may not, be subject to dismissal and explain, in writing, their reasoning, the parties respectfully request that the Court further extend the deadline for compliance with the July 17, 2023 Order until September 29, 2023.

11. This is the second request to extend the deadline for filing the Stipulation and the Joint Status Report pursuant to the Court's July 17, 2023 Order. The parties do not anticipate requesting any further extensions of time for filing the Stipulation and the Joint Status Report.

12. This stipulation is submitted in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 15th day of September, 2023.

DATED this 15th day of September, 2023.

FAIN ANDERSON VANDERHOEF
ROSENDAHL O'HALLORAN SPILLANE
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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: September 18, 2023